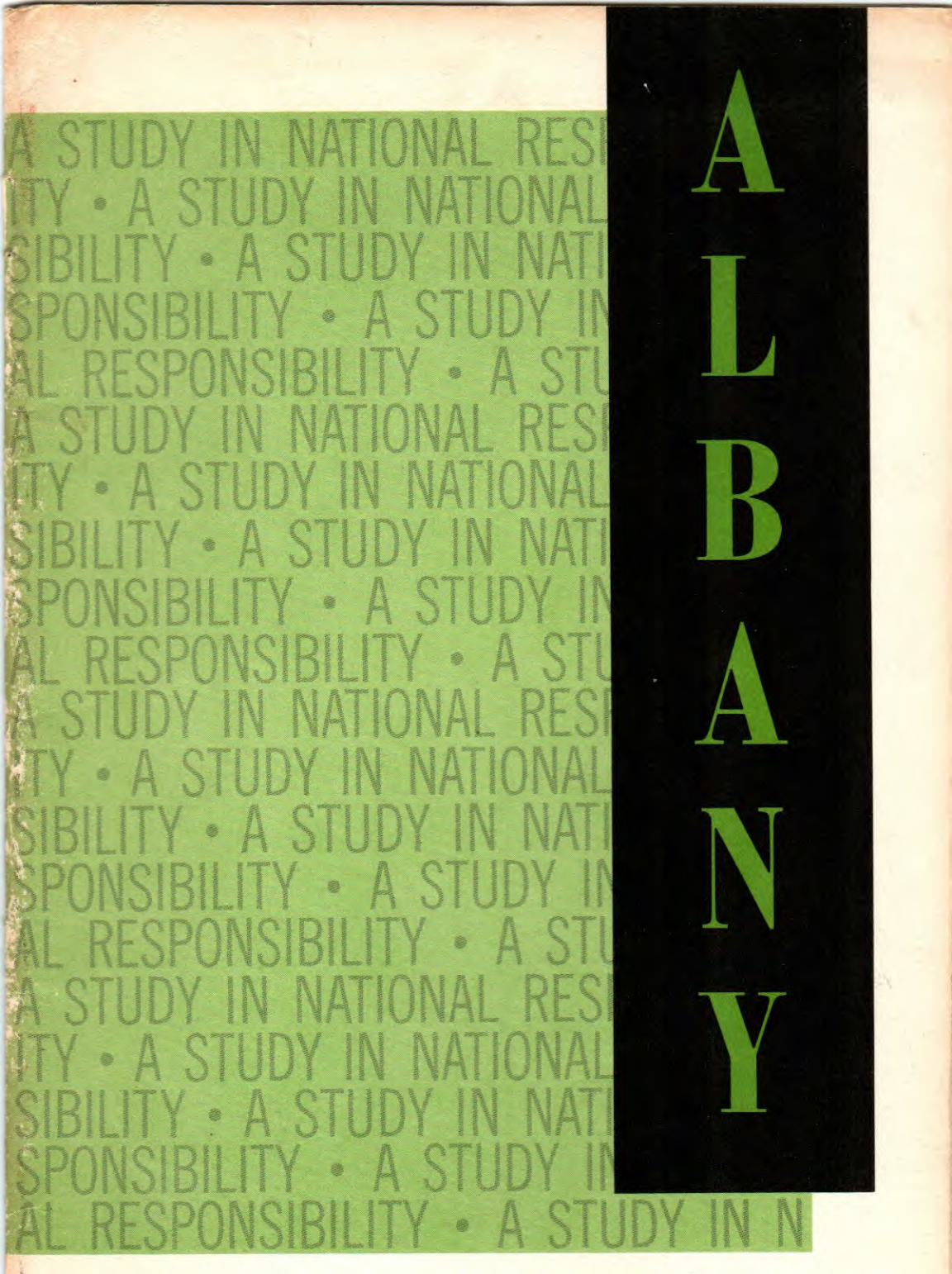
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Albany

A STUDY IN NATIONAL RESPONSIBILITY

by

HOWARD ZINN
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SPELMAN COLLEGE

1962

SOUTHERN REGIONAL COUNCIL
5 FORSYTH STREET, N. W., ATLANTA 3, GEORGIA

INTRODUCTION

THE wreckage of Oxford may have caused some Southerners, and more of their fellow-countrymen, to wonder if the South is a region capable of self-government. Oxford was unprecedented in drama and in its threat to constitutional government. It was, however, but the foreordained outcome of the ideology of "massive resistance," taught and applied since 1954 by chieftains of politics from Virginia to Texas. All but a few areas of the South have by now got well from this intellectual and political sickness. But Mississippi would not have acted as it did this autumn if the legislatures, governors, and Congressmen of the other southern states had not acted as they did earlier.

The power of state or local law enforcement was first used to thwart federal authority in Mansfield (Texas) in 1956. This happened again, with immense consequences, in Little Rock in 1957. There can be no confidence, even after Oxford, that there will not be other similar rebellions.

Howard Zinn's report is about another kind of southern response to social and legal change. He writes about Albany, Georgia, where since November 1961 Negroes have worked hard and suffered much to have their humanity recognized. If the country must be prepared for the possibility of other Oxfords, it needs to be prepared for the likelihood—almost the certainty—of other Albanys.

Albany has also been a scene of mass disorder. The notorious riots in the South over desegregation have been of several types. Some have been more or less spontaneous, as were, for example, the Chattanooga riots during the sit-ins of 1960; these have not been, however, the deep-wounding variety. Some have been deliberately incited by conspirators, as were the Clinton (Tennessee) riots over school desegregation in 1956; there is at least persuasive evidence that the University of Georgia riot of early 1961 was also the handiwork of an organized few. Of much greater importance have been those mob actions tacitly but knowingly invited by public officials and permitted by the police: the mobs of Anniston, Birmingham, and Montgomery during the 1961 Freedom Ride were of this kind, and so too was that of Oxford. It is worth noting that there has been only one important instance when a white mob formed, knowing that the police would probably be uncooperative, and deliberately challenged the police. That was in Little Rock in 1959, and the mob was easily dispersed.

The disorders of Albany have been basically different. They have been like those of others since early 1960, in Orangeburg (S. C.), Tallahassee (Fla.), McComb (Miss.), Baton Rouge (La.), Lebanon

(Tenn.), Talledega (Ala.), and elsewhere. They have been caused by Negro demonstrations, not by a white mob.

Professor Zinn describes the Albany history with clarity. He shows how there has interacted in that city forces, institutions, ideas, and personalities in unique patterns of profound seriousness. The Southern Regional Council publishes his study because we believe the country urgently requires an understanding of what is and has been at issue. We think that, for two reasons, Albany has a crucial importance for the national interest.

First, as the civil rights movement penetrates the Deep South, and into smaller cities and rural areas, there will be other localities, and perhaps many, where a similar pattern of events will occur. As Albany has had its predecessors, so it will have its successors. This will be so because the twin forces which have produced the Albany crisis also exist in hundreds of places in the South. These are, on the one hand, Negro determination and willingness to act; and, on the other, the willful or inert resistance of white persons and their institutions. Furthermore, the methods used are likely to be the same: peaceful though firm Negro protest, and firm, relatively quiet, police suppression.

Second, in a sense that the turmoil at the University of Mississippi was not, Albany was a national responsibility. Oxford was a result of southern history. Given that history, there is no sure ground for believing that the crisis could have been prevented by any policy or action of the federal government. The whole nation is implicated in Albany. It is the price of eight years of inaction by Congress, of hesitancy by Presidents, of timidity by southern moderates in making good the promise of the decision of 1954. The Negro demonstrations, in the streets of Albany and Talladega and Orangeburg and dozens of other places, are the direct result of disillusion over the good faith and intentions of national and regional leadership.

* * * * *

There have been three principal actors in the Albany struggle: the municipal government, including its police; the federal government; and the Negro populace. A brief look at the policies of each, which Professor Zinn examines in detail, may be instructive:

(1) In Albany, both Negro protests and white reactions have been characterized by non-violence. Not only has the police force refrained from violence, but it has prevented white mobsters from gaining even momentary control. In these respects, the police methods used in Jackson (Miss.) for Freedom Riders have been copied. Because of their temporary success in both cities, their use will likely spread to other localities where Negro demonstrations may occur.

Good police practice means more than the prevention of violence. It also means, the protection of rights. There are legitimate grounds for saying that in Albany sophisticated police work has done the traditional—almost legendary— job of the mob, *i.e.*, the suppression of Negro dissent and assertion of rights. The city government of

Albany is still a white man's government, and the police is its instrument.

(2) The federal government, represented solely by the Department of Justice, has hovered about Albany from the beginning. Incredibly, in this whole time, it has not acted. As we said some months ago:*

> The Department [of Justice] apparently decided not to exercise any enforcing power in Albany; it confined its efforts to attempted persuasion and mediation. . . .
>
> The Department can be extraordinarily helpful in resolving issues when it can, and intends to, act. When it does not intend to, as in Albany, its "presence" adds little, except possibly confusion. Where it has little authority to act . . . there is still a role for the federal government to play. One can question, however, whether the Department of Justice is the best to carry it out, for it is a role of persuasion. By its nature, as an enforcing agency, the Department is not a good instrument of mediation and persuasion. The Administration has made it its principal, almost its only, spokesman and representative in the South. The Administration would do better by applying at congressional and state capital levels the influence which it possesses, and to insist in those quarters that southern officialdom give respect to Constitutional rights and ordinary decency.

The Department of Justice during the past two years has, with vigor and skill, brought voting suits under the Civil Rights Acts of 1957 and 1960. It has been equally decisive and even more successful in defending the integrity of federal courts in several situations, such as that of New Orleans during 1960 and 1961, in combatting bus and train terminal segregation, and in responding to utter breakdowns of law and order, as in Alabama during the Freedom Ride and in Oxford. It seemingly has not known what to do in an Albany-type situation.

We do not necessarily endorse all of Howard Zinn's analysis of federal powers or his recommendations for their use.** We do point out that the record of the federal government in Albany says as clearly as would a public announcement that the federal government will not act unless there is uncontrolled violence. There has been no acknowledgment of a federal duty to protect federal rights, the rights of speech and peaceable assembly and equal protection of the laws.

Is the South helpless to handle its own problems? No. In fact, the overlooked but primary responsibility for the deterioration in Albany rests on the state of Georgia, and the federal government should always give a state the opportunity to act. (The federal government, through its months of discussions with Albany officials and relatively scant intercourse with state authorities, has done little to encourage the state to see its responsibilities.) But federal rights of individual citizens must be protected, and, when local and state governments fail, that is a federal obligation.

*Executive Support of Civil Rights, March 13, 1962, page 18.
**See pages 28-36, below.

(3) This is not the time to ask whether Negroes are wise and justified in carrying on public demonstrations, as in Albany. The time for that question will be *after* the first important racial reform *anywhere* by the white South without Negro pressure.

In a recent telecast, the director of the Citizens Council of Mississippi said, with admirable candor, that he and his organization oppose Negro equality because of their "vested interest" in a system of inequality. There is as much, if not more, truth to this than to the usual belief that Southerners are more racially prejudiced than other Americans. In areas such as Albany all the institutions of government and society are organized to defend segregation, and on the premise that Negroes are not entitled to the full and free use of community benefits. Against these entrenched systems, Negro resort to unconventional pressures can hardly be condemned.

* * * * *

The South is still engaged grimly in internal social and political combat, but the present is a time of optimism as well as of anxiety. In most of the South's large cities, and in some other areas as well, there now exists an unbreakable momentum behind the extension of civil rights. Indeed, the very fact that the civil rights movement has finally reached into the Black Belt, producing the eruptions of Albany and Oxford, is the surest mark of the progress made in the South. At the same time, it means that the civil rights movement is approaching its climax, and that the days ahead may well be the severest yet.

The South is, as traditionalists often say, being subjected to a second Reconstruction. There is no reason for friends of civil rights to deny that this is so. What is different, however, is that the leadership in this Reconstruction comes from the South itself—from the millions of Negro Southerners who have supplied the initiative and the will for this change. By their effort, they have made the South a better place to live, freer than it has ever been of emotional torments and political leadstones.

But the need now is for initiative to pass out of Negro hands. Racial relations in the United States is not merely the Negroes' problem, is not merely a Negro problem. It is a problem of the health of our democracy, the strength of our economy, and the integrity of our minds. What the country critically requires is governmental assumption, at both the state and national levels, of responsibility and initiative for the reform of racial relations, and for the uplifting of the economic and educational levels of the bottom tenth of our population.

LESLIE W. DUNBAR
Executive Director
Southern Regional Council

Albany, Georgia

Many Georgians call it All-benny. . . . This was slave plantation country, and Albany was its trading center, incorporated in 1841 to become the seat of Dougherty County. . . . At the turn of the century, blacks outnumbered whites . . . and Albany was a placid little town, slavery gone and segregation firmly in its place. Today the city is a four-hour drive straight south from Atlanta, past scraggly cotton, clusters of Black Angus cattle, and beautiful fields of pecan trees . . . . it is wide-avenued and clean, a commercial center for southwest Georgia, trading corn, cattle, and pecans, attracting tourists, new industry, and travelers heading towards Florida. "Tenth fastest booming city in the USA," the man at the Chamber of Commerce said proudly. "There's the rating—in black and white."

ALBANY has always rated higher for whites than for blacks. Negroes make up 40 per cent of its population (23,000 out of 56,000), and zero per cent of its political officials. The entire machinery of justice in the city and county is capable of instantaneous conversion into a machinery for repression where Negroes are involved—for the judges, juries, prosecuting attorneys, sheriffs, deputies, city police are all white.

Negro businessmen and professionals must confine their talents to the Negro community. Albany State College, for Negroes, the one institution of higher education in town, is a source of employment, and the several military bases in the area offer some opportunities. But for most Negroes, regardless of ability, there are only menial jobs: porters, maids, handymen, laborers, laundry workers. Higher paid positions are for whites.

A Negro teen-ager, standing outside a church late one night as a voter registration meeting was coming to a close, said: "I'm getting out of this town as soon as I can. No one I know wants to stay here. I sure don't intend to die in Albany." Other youngsters standing nearby agreed vigorously. For a young Negro with education and ambition, Albany, Georgia is a bleak and depressing place to live.

Note: Quoted material heading the various sections of this report is drawn from the author's first "Special Report" on Albany, published by the Southern Regional Council January 8, 1962.

An Albany Negro is born in a segregated hospital, grows up in a segregated neighborhood, goes to a segregated school, is buried in a segregated cemetary. Restaurants, hotels, parks, public libraries, playgrounds, taxicabs, theaters, filling-station restrooms, water fountains—all possible aspects of daily life—are designated according to the color of one's ancestors. No Negro in Albany can grasp a door-handle or cross a threshold without first thinking of his color.

Even after the supposedly ironbound Interstate Commerce Commission order went into effect November 1, 1961, Negroes were being arrested in Albany for using "white" terminal facilities. Today, after more than a 1000 arrests in the city, it is said that the Trailways Bus Terminal on Broad Street is finally desegregated, but observance of the ruling by city police has been so fitful that a Negro walking into that restaurant today is still not completely sure he will not be arrested.

"Progress" in Negro living conditions in Albany—new schools, a library, a playground—has been kept completely inside the system of segregation. White people both North and South are only beginning to understand that such "progress" is not sufficient for Negroes who are imbued with twentieth century visions of racial equality.

Prevented by segregation barriers and a hostile local newspaper from communicating their old hurt and their new expectations to Albany whites, ignored by the city's Board of Commissioners, Albany's Negroes began to express their feelings dramatically, powerfully, in the mass demonstrations of December 1961. The truce which ended those demonstrations was followed by six months of intermittent skirmishing. Then, in the summer of 1962, the city erupted again. Demonstrations resumed, and once more Albany, Georgia became the focus of national and international attention.

This time, violence appeared: a pregnant Negro woman was knocked unconscious by county officers; a Negro lawyer was clubbed by the sheriff; a white sympathizer had his jaw broken by a prison trusty; Negroes hurled rocks at patrolmen. Albany's police chief "kept the peace" by applying the same technique he had used in the December demonstrations: he put into prison, by the hundreds, Negro men, women, and children who in one way or another were protesting segregation. As Labor Day approached, the number arrested since December totalled over 1,100.

To all of this, the national government in Washington reacted slowly and awkwardly, showing embarrassment rather than compassion, and timidity instead of vigorous leadership. A powerful nation appeared by turns clumsy or impotent in enforcing its own constitution in a tiny segment of the country. In Albany, on moral issues of national importance, the authority of the president of the United States was distant and feeble, the power of the local chief of police immediate and absolute.

The December Demonstrations

In a market where social goods are unevenly distributed, peace must always be paid for. The price, paid in the South by blacks, and received by whites, has begun in recent years to seem not quite right. . . . The white South has been notably unequipped with the kind of social seismograph that would detect the first faint tremors of unrest. In Albany, deep in the Black Belt, the shock of the pre-Christmas protest was particularly great. Slowly developing anger and publicized dignified protest by Negro adults—a dramatic outburst of Negro students to bring the issues to public attention—and then a new synthesis of adult-student leadership marshaling the forces of the entire Negro community: this has been the developmental pattern in a number of southern protest movements these past few years, and so it was in Albany.

EARLY in 1961, the century-long quiescence of Albany Negroes began to break, perhaps shaken by the sit-ins, freedom rides, and boycotts which had been successful elsewhere in the Deep South, perhaps vaguely stirred by the rise of colored peoples in Africa and Asia, or, more likely, by a combination of factors too complex for easy categorization. At Albany State College students began to speak out. A group of adult Negro leaders presented a petition to the city commissioners requesting desegregation of certain city facilities. In October, a decisive event occurred: the Student Non-Violent Coordinating Committee sent two of its field workers, Charles Sherrod and Cordell Reagan, both youthful veterans of southern prisons, to set up a voter registration office in Albany. They were joined by Charles Jones, who had also been jailed many times for student demonstrations, and the three, working from a rundown little building two blocks from the Shiloh Baptist Church, fired the already aroused Albany Negro Community to an enthusiasm never before seen in the Black Belt City.

On November 1, 1961, the day the ICC ruling prohibiting terminal segregation went into effect, SNCC (known as SNICK) planned a test of the Trailways Terminal in Albany, and a white college girl from Memphis named Salynn McCollum served as witness when a group of Negro students walked into the white waiting room and were ordered out by the police. On November 22, five Albany State students tried to use the restaurant in the Trailways Terminal and were arrested by Albany Chief of Police Laurie Pritchett. Five days earlier, on November 17, the Albany Movement

had been formed, by a coalition of the colored ministerial alliance, SNCC, the NAACP, and other Negro organizations. Local osteopath, Dr. W. G. Anderson was named president; Slater King, a real-estate man, vice-president; and retired railroad man Marion Page, secretary. "The kids were going to do it anyway," one of the founders of the Movement said later. "We didn't want them to have to do it alone."

On Sunday, December 10, the ICC ruling failed of enforcement in Albany for the third time in a row. That day, an integrated SNCC group of eight rode from Atlanta to Albany, sitting together in the "white" car. Entering the white waiting room at the Union Railway Terminal in Albany, they were ordered out by Chief Pritchett, and then arrested as they were getting into automobiles. They were charged with obstructing traffic, disorderly conduct, and failure to obey an officer (a list of offenses which became the standard charge against demonstrators in Albany). A. C. Searles, editor of the Negro weekly *Southwest Georgian,* watched the scene and reported: "There was no traffic, no disturbance, no one moving. The students had made the trip to Albany desegregated without incident. Things had gone so smoothly I think it infuriated the chief."

The newly-formed Albany Movement now responded. During the next seven days, a series of huge meetings in Negro churches and marches downtown by more than 100 Albany Negroes, singing and praying and asking freedom for the arrested students, ended in mass arrests ordered by Chief Pritchett. It was on the fifth day that Martin Luther King, Jr. and the Rev. Ralph Abernathy, invited by the Albany Movement, arrived from Atlanta to speak to a mass meeting at the Shiloh Baptist Church. They led another march downtown, which ended in the arrest of hundreds more. The total arrested now stood at 737, and Chief Pritchett, representing the city, began negotiations with Negro leaders: attorney Donald L. Hollowell of Atlanta, local attorney C. B. King, and Marion Page. Verbal agreements were reached on calling off demonstrations, the release of jailed demonstrators on the signing of simple property bonds, and a hearing for Negro demands at an early business meeting of the new city commission.

Negro men, women, and youngsters, pouring out of the jails in nearby counties where they had been sent—"Bad Baker" County, "Terrible Terrell," and others—told stories ranging from mere miserable discomfort ("We were 88 in one room with 20 steel bunks and no mattresses") to worse ("I don't want to hear nothing about freedom," Sheriff Mathews of Terrell County told Charles Sherrod as he struck him in the face). It was not the wretchedness of jail conditions that rankled the insides of those Negroes who were arrested, but the reason for it all. "I didn't expect to go to jail for kneeling and praying at City Hall," a young mother said.

With people out of jail on bond and the promise of a hearing before the city commission, the first mass demonstrations ended, just before Christmas, 1961, and an uneasy truce settled over Albany.

The Truce Falls Apart

. . . no long-term assessment of the Albany actions can be based on what was or was not conceded at the moment of settlement. This is a Deep South city, with a hundred-year history of Negro silence and white complacency which has now been shattered for all time. Anyone who sat in the Shiloh Baptist Church at the prayer meeting following the settlement knows that expectations have been raised which will not be stilled without a change in the social patterns of the city. "Albany will never be the same," attorney Hollowell told the crowd that night, and he was right.

ON Friday, January 12, 1962, an 18-year-old Negro girl named Ola Mae Quarterman, a former student at Albany State College, sat down in a front seat of an Albany city bus. The driver left his seat, put his finger near her face, and the conversation went something like this: He said: "Don't you know where you're supposed to sit?" Her reply: "I paid my damn 20 cents, and I can sit where I want." He called a policeman, she was arrested and jailed for using "vulgar language."

"I used the word 'damn' in regard to my 20 cents, not to the driver," Miss Quarterman later told a federal court hearing. The city attorney at that hearing tried to establish that she was arrested for using vulgar language rather than for sitting in front of the bus. It was all part of an elaborate judicial game now being played in southern courtrooms, in which everyone pretends that the *race* of the arrested person was the farthest thing from the policeman's mind, and tries to invent interesting new charges for the arrest. But Ola Mae Quarterman did not want to play. "You weren't tried for sitting where you were sitting, were you?" the city attorney asked her. "That's what they said," she replied quietly, and then repeated more loudly for the benefit of the court, *"That's what they said."*

Miss Quarterman was found guilty in city court of using "obscene" language, and a boycott by Negroes of the city bus system, already under way, was intensified. In less than three weeks the company, dependent for much of its revenue on Negro customers, halted operations. White businessmen, fearful of the effect of this on their trade, met with representatives of the Albany Movement and with people from the bus company to get the buses back into operation, and reached what was probably the first important de-

segregation agreement in Albany history: that the buses would resume on an integrated basis and would accept applications from Negroes seeking jobs as bus drivers.

But obstinacy on both sides got in the way. The city commission, with Mayor Asa D. Kelley the lone dissenter among its seven members, refused written assurance that it would not interfere with bus integration (there is a municipal ordinance requiring bus segregation). And then the Albany Movement decided not to accept an agreement on the buses without some sort of assurance on other requests. The bus company tried to run again, but finally closed up shop for good and disposed of its equipment. The city has been without bus transportation since March.

Two days before the Ola Mae Quarterman incident, several groups of Negro students trying to get cards at the white Carnegie Library had been turned away, directed to the Negro library, and questioned by police. One week after the arrest of Miss Quarterman, SNCC workers Charles Jones and Charles Sherrod, sitting in the Trailways lunchroom, were arrested by city policemen for "loitering." Again, the color of their skin was neatly avoided. "We don't allow people to go in there and just make it their home," Chief Pritchett said.

Everybody had been waiting for Tuesday, January 23, when, by the verbal agreement of December, the city commission would hear spokesmen for the Albany Movement. That evening Anderson and Page presented to the commission a petition with requests for the desegregation of various city facilities, and were told to await a reply. One week later the commission issued a statement denying all the requests of the petition, saying: "The demand for privileges will scarcely be heard, wherever and whenever voiced, unless . . . arrogance, lawlessness, and irresponsibility subside." Negro leaders could "earn acceptance for their people," the statement said, "by encouraging the improvement of their moral and ethical standards."

Mayor Kelley, supported by Mayor pro-tem Bufford Collins, dissented from the commission response approved by the other five members, saying that it evaded the basic issue. "In my judgment the city of Albany has got to recognize that it has a problem and cannot solve that problem by sticking its head in the sand and ignoring that problem. No solution can be reached unless there are lines of communication."

A month later, with little left now of the December truce agreement, city officials decided to begin trials for the more than 700 people arrested during the pre-Christmas demonstrations and, oddly enough, in view of the often expressed desire to keep Martin Luther King, Jr. out of Albany, they decided to begin with Dr. King himself. On February 27, a three hour trial took place in Recorder's Court (the city court of Albany) with King, Ralph Abernathy, and two

Albany Negroes who had been involved in the mass march of December 16 toward City Hall. They were charged with parading without a permit, obstructing the sidewalk, and disorderly conduct.

The defense said the arrests were based on the desire to maintain segregation, and that they violated First Amendment rights of freedom of speech and assembly, as well as the Fourteenth Amendment right to equal protection of the laws. The city denied that race had been an issue in the arrests, and said it was merely enforcing a statute requiring a permit for parades. When defense attorney Donald L. Hollowell asked Chief Pritchett how a "parade" was defined, the chief answered that there was no definition. "Then it's anything you want to make it?" Hollowell asked. "In my opinion, yes," was the reply.

A month later, with decision in the King-Abernathy trial still pending, the beginning of a similar trial in Albany Superior Court (the county court) was disrupted by official violence. The SNCC group of young white and Negro people, who had come down on the train from Atlanta December 10, 1961, and been arrested outside the terminal, were being charged with disorderly conduct, obstructing traffic, and refusal to obey an officer. As the trial began Monday, March 26, SNCC worker Charles Sherrod walked toward the front of the courtroom, traditionally reserved for whites, to take a seat. Chief Deputy Lamar Stewart knocked him to the floor and dragged him to the rear. When defendants Bob Zellner, a SNCC field secretary, Tom Hayden, a writer, Sandra Hayden, his wife, and Per Laursen, a Danish Journalist—all white—sat down with Sherrod in the rear, they were dragged by deputies out of the courtroom and through a revolving door. One deputy pulled Mrs. Hayden over a row of seats and then pushed her through the door. The only comment of the presiding judge, watching all of this, was: "The officers were enforcing a rule of the court."

In April, more trouble took place. Dr. Anderson, Slater King, Emanuel Jackson, and Elijah Harris, four leaders of the Albany Movement, were found guilty of "disorderly conduct." They had been picketing a downtown store as part of the general Negro boycott of stores which did not hire Negro employees. Also, Charles Jones, Cordell Reagan, and two teen-age Negroes were sentenced to 60 days on public works gangs for refusing to leave a drugstore lunch-counter where they sat requesting service. And 26 more people were arrested in lunch-counter sit-ins.

About the same time, a Negro in Albany named Walter Harris was shot to death by a policeman who claimed the man attacked him with a knife while resisting arrest. Perhaps there was a need to make up for the silence that had followed previous slayings of Negroes by police officers for "resisting arrest." Perhaps there was a recollection of the killing in late 1961 of a Negro man by a sheriff

in Baker County under similar circumstances. Or perhaps the Negro community was still conscious of the imprisonment since July 1960 of Charles Ware, who was shot twice through the neck by officers of Baker County for "resisting arrest." At any rate, 29 adults and teen-agers appeared in front of City Hall on April 21 to protest what they considered the needless death of Harris. Refusing to disperse, they were arrested, and when some youngsters lay down on the sidewalk they were picked up and carried into police headquarters.

In May, the first and only arrest of segregationist whites in the entire period occurred when four boys were arrested and convicted for throwing eggs and tomatoes in the Negro section. In June, nine more young Negroes were arrested for picketing stores downtown. A police captain admitted to a reporter that there was no evidence of violence, but said the youths had "talked to" older people. Atlanta *Journal* writer Walter Rugaber noted: "The anti-buying campaign started five months ago and was sharply effective for a time. But police considered two picketing efforts a danger, and broke them up with disorderly conduct arrests."

The Long Hot Summer

The Negro porter on the steps of an Albany church said, "No, we're just beginning. Just beginning." And a woman on the Executive Committee of the Albany Movement declared, " . . . anybody who thinks this town is going to settle back and be the same as it was, has got to be deaf, blind, and dumb."

WHEN King and Abernathy were found guilty and sentenced by Recorders Court in Albany on July 10, 1962, to 45 days or $178 for leading the December 16 demonstrations, defense attorney Hollowell asked Judge Durden for legal citations on which his decision was based. The judge said he did not have any, that it was based on "general research of the law."

The defendants chose to go to jail. Excitement rose to a high pitch not only in Albany but throughout the nation. Senator Joseph Clark of Pennsylvania told the Senate that the convictions were evidence "that there are still, unfortunately, areas of our country in which the Constitution of the United States, as represented by the Fourteenth Amendment, is not in effect." That evening, when police cars showed up near the two Negro churches where mass rallies were taking place, bricks and rocks were thrown at them, and Chief Pritchett put his whole force on a standby alert.

The following day, Wednesday, 12 men, nine women, and 11 teen-agers—32 Negroes in all—began walking downtown. They were led by Dr. C. K. Steele, a Tallahassee minister who had headed desegregation battles there, and the Rev. Robert Alfred, an Albany minister. Two blocks away from the downtown area they were stopped by Chief Pritchett and arrested. They marched to the city jail, two squads of police behind them, singing "We Shall Overcome" while curious whites watched quietly. That night, with hundreds of Negroes gathered outside the Shiloh Baptist church, bricks and bottles were thrown at police across the street.

The jailing of King, as no other event in the history of Albany troubles, sent Washington officialdom into a flurry of activity. President Kennedy asked Attorney General Kennedy for a report on the Albany situation. Robert Kennedy and Burke Marshall, head of the Civil Rights Division of the Department of Justice, made a number of phone calls to Albany. Marshall phoned Mrs. King in Atlanta and said that the Department of Justice (according to the New York *Times*) "would use whatever influence it could to obtain his release."

The next morning, King and Abernathy were released. How this happened has never been clear. According to Chief Pritchett's report, an unidentified, well-dressed Negro man showed up at City Hall, paid the fines, and the two ministers, who were anxious to stay in jail as a sign of the sacrifice required of those in the struggle, reluctantly left. Dr. Abernathy told a mass meeting that night, "I've been thrown out of lots of places in my day, but never before have I been thrown out of jail."

Dr. King attempted to open negotiations with the city commission. Personal conferences with the police chief had been fruitless, and a wire was sent on Sunday, July 15, asking for an audience. The commission, in a closed meeting on Monday, said that it refused to deal with "law violators." On Tuesday, the Albany Movement sent a wire to the city commission urging that it reconsider its refusal to meet. In a page and a half "position paper" it outlined its grievances, requested the right of peaceful protest under the First Amendment, and asked that a bi-racial commission be established to set a timetable on the desegregation of lunch-counters, library, schools, parks, swimming pools, and other facilities. Again the commission refused.

Now, with a battery of high-power legal minds in Albany discussing judicial action against segregation—William Kunstler, Clarence Jones, and Constance Motley from New York, Donald Hollowell of Atlanta, and C. B. King of Albany—the Albany Movement began a series of moves to lay the ground work for court cases. On Tuesday, July 17, 25 Negro students showed up at the Carnegie Library to ask for library cards and books, and were turned away. The next day, 40 teenagers staged sit-ins, in teams of eight, at five different lunch-counters downtown, which were immediately closed. Reporter Fred Powledge noted in the Atlanta *Journal* that in at least two cases the students were asked to leave not by managers, but by police. At the Trailways Bus Station, a 15-year-old Negro boy tried to enter the restaurant and was refused. "I asked him why," the boy related. "He said it was because we were Negro—he didn't say Negro though. He said nigger . . . you know."

That Wednesday afternoon, 80 young Negroes tried to use the athletic facilities of Tift Park and were ordered to leave by Detective Captain Ed Friend, and a group of other officers. On Thursday, seven Negro youngsters were jailed in a lunch-counter sit-in, and 50 others were turned away from the white picnic area of Tift Park. On Friday, more groups were turned away at lunch-counters and ordered away from a swimming pool by the assistant chief of police.

With a mass prayer scheduled by the Albany Movement for City Hall on Saturday afternoon, Albany's city attorney Henry Rawls and Mayor Kelley flew to Atlanta to confer with Governor Vandiver's legal staff, then to Columbus to see federal District Judge J. Robert Elliott. Elliott, longtime associate of the Talmadges in Georgia politics

and a public supporter of segregation, had just been appointed to his post by President Kennedy. At midnight on Friday, July 20, Elliott issued an omnibus injunction, barring "unlawful picketing, congregating or marching in the streets . . . participating in any boycott in restraint of trade" and, in fact, "any act designed to provoke breaches of the peace." The injunction was to be in effect until July 30 when a hearing on a similar permanent order would take place.

With the temporary restraining order in effect, the planned Saturday afternoon demonstration did not take place, but in the evening a group of 160 persons, young and old, began walking from Shiloh Church toward City Hall, and were arrested under orders of Chief Pritchett. The Trailways lunchroom was also closed that day when Negroes tried to enter. But the Atlanta *Journal* reported: "The same attendant was seen admitting white people to the lunchroom."

More than 100 of the Saturday marchers were under 18, many of them 13 and 14 years old, and they were sent to Camilla in nearby Mitchell County. "They call it a juvenile detention place," one youngster said. "But it's just an old jailhouse." Sixty-four were put in a cell designed for 12 children, 52 others in a cell designed for eight.

On Monday, July 23, about 5:30 p.m., Mrs. Slater King, wife of the Albany Movement's vice-president, and in her sixth month of pregnancy, drove to Camilla with a group of other Negro women to take food to the daughter of a friend. She had her three children along, and was carrying one of them, a three year old. Two deputies ordered the group away from the outer fence around the jail. "All you niggers get away from the fence," one of them demanded. The women began to move away, Mrs. King walking slowly toward her car. One of the deputies pointed her out, cursed her, and said if she did not hurry, she would be arrested. She turned and said, "If you want to arrest, go ahead." The next thing she knew she was kicked and knocked to the ground. An officer hit her twice on the side of her head and she lost consciousness. She revived in about ten minutes, and since no one else in her car could drive, managed to drive back to Albany.

Monday evening, after a rally at the Mt. Zion Baptist Church, a group of seven led by Mennonite minister Vincent Harding, a Negro, and troubled by the beating of Mrs. Slater King, stopped in front of City Hall to pray. When they refused to obey Chief Pritchett's order to move on, they were arrested. The next night, when 40 more were arrested in a march toward City Hall, what had started as a non-violent parade (reported Atlanta *Constitution* correspondent Bill Shipp) "degenerated into an angry, cat-calling crowd" and an estimated 2,000 Negro youngsters gathered at the edge of the Negro area. Dozens of rocks and pop bottles flew out of the crowd at the police, injuring one state trooper.

Earlier the same day, Tuesday, July 24, Judge Elbert P. Tuttle, of the Fifth Circuit Court of Appeals, had set aside Judge Elliott's temporary restraining order. He pointed to a fatal flaw in its constitutional argument: the Fourteenth Amendment provision on "equal protection of the laws" was not designed to protect the state against individuals, as the temporary injunction suggested, but was intended to protect individuals against state action. In other legal moves that day, the lawyers for the Albany Movement—Donald Hollowell, William Kunstler, Constance Motley, C. B. King, Clarence Jones—filed two suits against the city of Albany: one to desegregate the city's public facilities; the other to prevent the police from interfering with peaceful demonstrations.

That evening, in the face of a request by Negro leaders to appear at its regular Tuesday meeting, the city commission postponed the meeting. A newspaperman pointed out: "The City Commission steadfastly refused to confer with any Negro leaders about racial problems during a seven month intermission in mass racial demonstrations."

Wednesday was quiet, having been declared a "day of penance" by Dr. King and Dr. Anderson for the violence of the previous evening. Thursday was uneventful, too, but on Friday at 2:15 p.m., King and Abernathy led a group of ten to City Hall to try once again to talk with the city commission. Chief Pritchett asked them to leave, pointed to a nearby group of newspapermen and photographers and said, "You can see you're causing a disturbance." As Abernathy began to pray, Pritchett ordered the group arrested. Two hours later, a group of 18 youngsters left Shiloh Church for City Hall. They knelt on the sidewalk to pray, refused to move when the chief ordered them to do so, and were arrested.

One of the young people arrested was a white SNCC field worker from Cincinnati named William Hansen, who was promptly put into the white section of Dougherty County jail. As Hansen sat on the cell floor reading a newspaper, a prison trusty attacked him and beat him into unconsciousness. His jaw was broken, his lip was split, and a number of ribs were broken. He was then transferred to the city jail. Hansen said later that a deputy sheriff putting him into the cell, had told the trusty: "This is one of those guys who came down here to straighten us out," and the trusty replied, "Well, I'll straighten him out."

The very next day, Saturday, July 28, a 36-year-old attorney, C. B. King, the first and only Negro to practice law in the city of Albany, and the legal backbone of the Albany Movement from its inception, visited Sheriff Cull Campbell of Dougherty County. He wanted to check on the condition of William Hansen, who at that moment was sitting 100 yards away behind the barbed wire fence and steel mesh windows that enclose the county jail. A few minutes later King came staggering out of Sheriff Campbell's office, blood streaming from a wound in his head and splattering his clothing.

The Rev. James C. Harris, whom King had asked to meet him at the sheriff's office, later reported: "When I entered the sheriff's office at about 4:45 p.m., Mr. King was standing and two men, presumably deputies, were seated. As I walked in, the Sheriff, Mr. Cull Campbell, walked in and said to Mr. King: 'Nigger, haven't I told you to wait out there?' or words to that effect. As Mr. King was about to reply, Mr. Campbell picked a walking stick out of a basket containing several, and hit Mr. King viciously over the head, breaking the cane. Mr. King escaped from the office, and I did as well."

New York *Times* reporter Claude Sitton quoted Campbell as saying, "He didn't get out so Goddammit, I put him out." Police Chief Pritchett, across the street in his office had King taken to a hospital. Sitton noted in his story that: "Chief Pritchett had more than 160 city, county and state law enforcement officers standing by to prevent violence." Pritchett who had just arrested 28 Negroes for praying and singing for 15 minutes in front of City Hall, called the beating of King "very regrettable."

Sheriff Campbell told me in his office a month later: "Yeh, I knocked hell out of him, and I'll do it again. I let him know he's a damn nigger. I'm a white man and he's a damn nigger."

During the first week in August, 30 persons, including one white woman from New York, were arrested as they prayed in front of City Hall. An integrated group of five was arrested trying to get service at the Holiday Inn restaurant. The total of arrests since the start of the December demonstrations now passed 1,100.

All that week and into the middle of the next, the city and the Albany Movement argued before Judge Elliott in federal District Court on the city's petition for a permanent restraining order on demonstrations. At the hearing, Police Chief Pritchett, to support the request for such an order, testified that (according to a UPI dispatch in the Washington *Post*) "racial tensions have reached a boiling point." Two days before that testimony, he had said as reported in the Atlanta *Constitution*, "People go about their normal business. This city is nowhere close to an explosive point."

At the close of the hearing, Tuesday, August 7, the Justice Department, which had received dozens of telegrams, and a number of delegations, all asking action on behalf of Albany Negroes, filed a friend-of-the-court brief in support of the Albany Movement's request to deny the injunction against demonstrations, noting that the city, because of its failure to desegregate public facilities, did not come into court "with clean hands." Judge Elliott reserved decision in the case. At a press conference on August 1, President Kennedy, responding to a question on Albany, said that he found it "wholly inexplicable why the city council of Albany will not sit down with the citizens of Albany, who may be Negroes, and attempt to secure them, in a peaceful way, their rights."

King, Abernathy, Anderson, and Slater King were released, after two weeks in jail, on Friday, August 10. Meanwhile the Albany Movement was waiting for Judge Elliott's decision on the city request for an injunction, and for him to set hearing dates on its own suits asking desegregation and the right of peaceful protest. But it did not let up its other forms of activity. It stepped up its registration campaign, hoping to effect the election of two new city commissioners in the fall.

On Saturday, individuals tried to enter the library and parks, which were immediately padlocked. Negroes also tried to attend services at white churches on Sunday, August 12, and were admitted to a Catholic and an Episcopal church, but turned away from a Baptist and a Methodist church. On Tuesday, two persons were arrested for picketing a Negro theater whose white owner refused to admit two white persons, other Negroes were turned away from the snack bar at Phoebe Putney Hospital, and a white couple and six Negroes were arrested attempting to use a bowling alley.

Among the youngsters at the bowling alley was 16-year-old Shirley Gaines, who had spent time in jail in Camilla back in April when she protested the killing by police of Walter Harris. Arrested at the bowling alley, she sat on the steps waiting for the paddy wagon to park nearby. As she waited, she later told me, two policemen threw her dress over her head, held her by the legs, dragged her down the stone steps to the bottom, and left her lying there. A man came along and kicked her in the side, and when she cried out a policeman standing nearby said, "Nigger, you can holler louder than that," then dragged her into the paddy wagon. With her back hurt, she lay on the floor inside City Hall. A man kept opening a swinging door near her, hitting her head each time. As she kept crying out, a policeman dashed water in her face to quiet her, and another called, "Holler, nigger."

A policeman then carried her, meanwhile kicking her with his knee, into the paddy wagon again, pushed her on the floor, and took her to Putney Hospital. But when she wouldn't rise, her back still hurting, she was taken to a city doctor. The doctor shone a light on her back, announced he found no injury, and said: "There ain't nothing wrong with that nigger. She got a good kickin'." She spent a day in city jail, then was examined by Dr. Anderson, who found her back bruised and scarred.

On Wednesday, August 15, the city commission finally met a Negro committee face to face. Secretary Page of the Albany Movement read a petition asking four questions of the city: 1) would it abide by the ICC ruling on bus and train terminals; 2) would it refund cash bonds on those arrested and accept tax receipts; 3) would it refrain from interfering with desegregation in city buses if they would operate again; and 4) would it desist from interfering with peaceful protest? Mayor Kelley responded by saying that these

matters were under consideration in federal court, that the decision of the court would be obeyed, and the meeting adjourned.

After the meeting, the mayor told newsmen (according to a dispatch in the Atlanta *Journal*) that "he did not believe the city would take any action on the Negro requests." A mass meeting of 1000 Negroes that evening heard Martin Luther King, Jr. and Page denounce the commission's refusal to negotiate, and Anderson told the crowd voter registration and the downtown boycott would continue, as well as other activities designed to budge the rigid stance of the city officials.

With Labor Day coming, 75 Protestant ministers, Catholic laymen, and Jewish rabbis drove down to Albany from the North to register their support for Albany Negroes. Praying in front of City Hall, they were arrested by Chief Pritchett, and sent off to various county jails, where they stayed for periods of two days to a week, a number of them fasting the whole period. Before arresting them, Pritchett said, "You have come to aid and abet the law violators of this city and county. If you come as law violators, you will be treated as such. Go back to your homes. Clear your own cities of sin and lawlessness."

Another activity which received increased attention was the boycott against white businesses downtown. Indications were that the boycott was not as tight as Negro leaders claimed, but more effective than white merchants were willing to admit. In early October, for example, eight Negro youths were picked up, questioned, and subsequently released by local police after they appeared on downtown streets wearing T-shirts with large lettering that urged shoppers not to buy from Albany merchants.

In federal court, Judge Elliott began hearings on three cases which he ruled were to be consolidated: the city request for an injunction against demonstrations; the Movement's request for the desegregation of city facilities; and the Movement's petition for non-interference with peaceful protests. The trial was completed in late September, and the principals awaited Elliott's decision.

Meanwhile, the Albany Movement had turned from mass demonstrations to an increased emphasis on voter registration. Some indication of the Movement's success in its voter registration drive came in late October when the first Albany Negro to run for city commissioner in modern times finished second in a three-man race for the office. The Negro, Thomas C. Chatmon, 39-year-old owner of a beauty and barber supply firm, received 3,030 votes in the election and was slated to face former commissioner B. C. Gable in a runoff for the office. The date for the runoff was still undetermined as this report went to press.

Black and White in Albany

There is a basic hurt to being an American Negro—both North and South—which cannot be conveyed by any cold list of specific grievances. In Albany there has been no way for fair minded white people to know these things. There has been contact, but it has been superficial. There has been exchange of words, but not of feelings . . . Modern science . . . radio . . . television . . . air travel . . . national newspapers and magazines . . . Air Force or Marine Corps units in the area . . . college. . . . All of these influences have acted on Albany Negroes and created expectations far beyond the crawling progress and kindly tolerance which Albany's white leaders thought—and think—sufficient. The white community somehow has not faced the idea that Albany cannot escape the general upheaval shaking the South today. Something was necessary to shake the white community into the first pang of such awareness. So. . . . the Albany Movement was born.

DESPITE the customary romanticization of the past—both by leading whites and a few Negroes—there has never been real communication between whites and Negroes in Albany. The demonstrations of the past year have been an attempt to vault the old barriers and shock the white community into listening.

The first reaction to this unsettling intrusion was resentment and hardening of the lines. Albany's city commission has behaved as if its job were to represent only that 60 per cent of the population which is white. Its consistent refusal to negotiate grievances with the Negro community has been opposed on several occasions by one of its members—Mayor Kelley—but so far the commission shows no signs of relenting.

A simple mythology supporting the idea that Albany can remain untouched and unchanged is perpetuated by the city's only daily newspaper, the Albany *Herald*. The *Herald's* publisher, James D. Gray, a transplanted New Englander,* was (until September 1962) chairman of the State Democratic Committee, and a power in Georgia politics. Mild and affable in person, he is a fierce segregationist in print. The news coverage and editorial writing in the *Herald* are the main sources of fact and opinion for Albany's white citizens, and the newspaper scrupulously attempts to shield its readers from those

*But as the Rev. Abernathy has said: "In America there is no such thing as an 'outsider'."

realities of the contemporary world which journalists like Ralph McGill and Eugene Patterson of the Atlanta *Constitution* have put before the residents of Georgia's capital city.

On July 31, 1962, in its Peoples Forum section, the *Herald* printed three letters, each representative of that mutual magnification of hate which has long taken place between the Albany newspaper and its readers. The three letters took up the entire space of the section. The first, a long one, said among other things: "For a century, the white race has lent considerations and provided assistance to the Negroes in overcoming the savage and uncivilized background from which they so recently emerged." The second spoke of the "pistol-toting, razor-toting, and ice-pick-toting and liquor drinking Negro." The third began: "Mr. Gray, thank God for you. . . . Don't we all know a Negro is a Negro even if they do try to grease their hair straight and bleach their skin white so as to mix with the white?" When the Georgia Council on Human Relations tried to place an ad in the *Herald* suggesting that the city should negotiate with the Albany Movement, the paper refused to print it.

The failure of the city's white leadership is crucial in the Albany situation, because there is evidence that the white population would respond to a leadership which moderately and quietly arranged for compromise agreements with the Negro population. Through all the mass demonstrations and national publicity which have upset the city since last December, whites have shown no signs of rash or violent action. In the many dozens of Negro actions, white citizens have shown curiosity, even antagonism, but no desire to throw the city into turmoil.

A number of businessmen have shown a willingness to negotiate differences (and were censured by a majority of city commissioners for the attempt). White ministers have met with Negroes and attempted to lay the basis for continued bi-racial discussion on an even wider basis. When three Negroes were arrested trying to attend services at the First Baptist Church on Sunday, August 19, the church's pastor, the Rev. Brooks Ramsey, said: "This is Christ's church and I can't build any walls around it that Christ did not build. And Christ did not build any racial walls." His Board of Deacons unanimously upheld his right to hold his own views.

The Rev. Ramsey's retention by his deacons is not evidence of a strong liberal sentiment among whites in Albany, but it does indicate that it is possible for a bold man of stature in the community to differ with prevailing opinion without suffering immediate reprisal. This may seem like very little, but in the Albany context it is important in suggesting that if a group of respected persons in the white community were to take at least a moderate stand in the racial crisis, they would stand a good chance of being sustained by their fellow citizens.

That risk is involved, and courage required for such leadership is shown by another happening of last summer. Mrs. Frances Pauley, executive director of the Georgia Council on Human Relations, decided on a novel move: she sent 10,000 letters to the white community of Albany, one for virtually every family in the city (with an equal number distributed among Albany Negroes), pointing out that other Georgia communities had solved similar problems by reasonable negotiation and that this course should be urged upon city officials by Albany citizens. Of the 250 responses received from the white community, all but two were critical of the letter, and some were filled with obscene denunciation.

On the positive side are several other developments. There was the birth of a small but earnest chapter of the Georgia Council on Human Relations, with ten or so white citizens meeting with a similar group of Negroes to discuss betterment of the Albany situation. And in the September primary elections for governor, Dougherty County, of which Albany is the seat, was the only county in that part of Georgia to vote for the moderate, Carl Sanders, in his landslide victory over the racist candidate Marvin Griffin.

Despite the cries about "outsiders" which have beset the Albany Movement from its inception, the facts are quite clear: a movement of protest was started by Albany's citizens even before SNCC workers arrived; it has received mass support by thousands of people in the Negro community, with perhaps the greatest active participation seen in any Negro community in the South in recent years; Martin Luther King, Jr. and Ralph Abernathy came to Albany last December to lead demonstrations only after the mass action was underway; in the furor of this past summer, it was the city of Albany which brought King there to stand trial—he did not come of his own volition.

There has been no consistent, clear-cut plan of action for the Albany Movement, despite a number of assertions in the press about how Albany was "selected" as a point of concentration. Like so many other developments in the Deep South in recent years, certain specific streams of action were deliberate, but the confluence of these streams was a matter of chance. The original "Freedom Riders," whose arrest on December 10, 1961, at the Albany railroad station provoked a whole series of mass demonstrations, did not plan to be arrested. Martin Luther King, Jr. did not plan to go to trial in the summer of 1962. Today, the movement continues with a kind of haphazard organization sustained only by that flood of common resolve which has marked the Negro militants.

While there are advantages to such fluidity, there are also drawbacks. Sometimes there has been a tendency simply to repeat old actions under new circumstances. The movement delayed legal action, for instance, which might have been initiated last winter, and continued to depend mainly on demonstrations, instead of link-

ing the two. There has been a failure to create and handle skillfully a set of differentiated tactics for different situations. The problem of desegregating Albany facilities involves various parties: some situations call for action by the city commission; some for decision by the federal courts; some for agreement with private businessmen. Moreover, there are advantages to singling out a particular goal and concentrating on it. This is an approach not only tactically sound for Negro protest but also creates a climate favorable to a negotiated solution. The community is presented with a specific, concrete demand rather than a quilt of grievances and demands which smothers the always limited ability of societies to think rationally about their faults.

Such a possibility existed, for instance, in the desegregation of Albany buses, which was on the verge of accomplishment, after a successful boycott; some leaders of the Albany Movement felt, however, that such a victory would not be meaningful if other concessions were not won with it. A massive and undifferentiated assault is powerful, but if continued too long it creates a massive and undifferentiated opposition.

It is, of course, easy for observers to criticize the tactics of the Albany Movement. There was a rush of unanticipated events, and if the response was not one of perfectly coordinated tactical efficiency, it was one of courage, passion, and sacrifice, and it brought forth on American soil—too often hard and cold in recent years—some of the noblest qualities that human beings have shown anywhere.

The Chief of Police

. . . the pattern of all these arrests is quite clear: the police kept a peace which had not been broken and with no signs that it was about to be broken by putting into prison over 700 men, women, and children who were exercising basic American rights to assemble peacefully and to petition the government for a redress of grievances.

THE pattern started on November 1, 1961—the day that the ICC order against discrimination in terminals took effect—when the Albany police ordered two Negroes out of the bus station in a situation where there was no crowd, no threat, no indication of either violence or tension. Three weeks later, November 22, 1961, again with no sign of disturbance, three Negroes were sitting quietly in the Trailways Terminal restaurant waiting to get the food they had ordered, when the police ordered them out and arrested them on their return. The same afternoon, two more students were arrested for using the white waiting room. On December 10, the eight Freedom Riders were arrested—again no signs of imminent trouble, *as they were entering automobiles about to leave the scene.* The mass demonstrations that followed resulted in the arrest of more than 700 people for walking downtown to the vicinity of City Hall, singing and praying, with whites standing nearby doing nothing but staring in curiosity. In the midst of the marches, an Associated Press newspaperman reported from Albany: "White residents of this city have shown little close-range interest in the incidents."

Here is how the pattern continued through the first eight months of 1962:

Students asking for library cards: questioned by police.

Girl sitting in front of the bus: arrested.

Two young men in the Trailways restaurant: arrested.

Four men picketing a store downtown: arrested.

Thirty young people trying to get service at lunch-counters: arrested.

Twenty-nine people praying in front of City Hall: arrested.

Ten people picketing stores: arrested.

Five people picketing: arrested.

Thirty-two people on way to City Hall: arrested.

One white and two Negroes in front of City Hall: arrested.

Group trying to use Tift park: ordered out by police.
Students trying to get service at drug stores: ordered out by police.
Seven sitting at lunch counter: arrested.
Eight students trying to use swimming pool: ordered away.
One hundred and fifty people on way to City Hall: arrested.
Seven people praying in front of City Hall: arrested.
Ten people praying at City Hall: arrested.
Eighteen praying at City Hall: arrested.
Sixteen praying at City Hall: arrested.
Fourteen praying at Carnegie library: arrested.
Six singing at City Hall: arrested.
Nineteen praying at City Hall: arrested.
Five asking service at Holiday Inn restaurant: arrested.
Eight trying to use bowling alley: arrested.
Two students picketing theater: arrested.
Three Negroes seeking to attend church service: arrested.
Seventy-five ministers praying at City Hall: arrested.

Even accepting a restrictive view of the right of free speech and assembly, there needs to be a balancing between those rights and the police powers of the state. There was no balancing in Albany. There was no consideration of imminent disturbance, or impending violence, no concern with what is the prevailing judicial rule for determining the limits of free speech—the existence of a "clear and present danger." Police Chief Pritchett has earned the plaudits of newspapers throughout the nation for what the executive director of the Georgia Municipal Association has called "the number one job of law enforcement in recent Georgia history." He has done this by simply putting into prison every man, woman, or child who dared protest in any way the infringement of rights guaranteed to them by the Constitution.

The standards for freedom in the United States have been pushed to the ground when a police force meets its requirements merely by not torturing or blackjacking its citizens. (But it should be noted that Chief Pritchett, who has arrested more than 1000 people for praying, singing, marching, or picketing, did not make a single move toward arrest when Sheriff Campbell, just across the street, bludgeoned C. B. King and the attorney staggered, still bleeding, into Pritchett's office.) Pritchett has run the city of Albany in the silent, sure manner of an efficient police state.

A report on the Georgia Council on Human Relations noted: "The City Commission of Albany has officially given to the Chief of Police the power to be its spokesman in dealing with the Negroes. The Judge constantly refers to 'The Chief.' 'The Chief and I de-

cided'. . . . 'The Chief told me'. . . . 'The Chief will set the date.' So not only does the influence of 'The Chief' extend over the City Fathers, but it also permeates the Court itself. As long as this condition remains, there can be no healthy, democratic government in Albany. There may be no large-scale violence, but there is little chance for the growth of justice and truth."

Police brutality is evil. Chief Pritchett should be commended for not engaging in it, and also for acting as he has, forthrightly and effectively, to prevent white mobsters from gaining any degree of control. But it is also an evil thing for a policeman to deprive an entire community of human beings of their liberties. In an incident reported last summer by New York *Post* columnist Murray Kempton, a tiny boy showed up in the line of Negroes being booked at Albany's City Hall after a protest parade. "How old are you?" Chief Pritchett asked.

"Nine," the boy replied.

"What is your name?" the chief queried.

"Freedom, freedom," was the response.

The chief patted him on the head and said: "Go home, freedom."

Terrible Terrell

"This is a feudalistic system. But I don't know if, or how it will be changed," James Griggs Raines, former Mayor of Dawson in Terrell County, once told a Commission on Civil Rights investigator.

Surrounding Dougherty County, in which Albany is situated, lie several old Black Belt counties where the smell of slavery still lingers. Just to the north are Terrell County ("Terrible Terrell"), of which Dawson is the county seat, and Lee County, of which Leesburg is the seat. To the south are Baker ("Bad Baker") and Mitchell Counties. It was in Bad Baker, in 1943, that a young Negro mechanic named Bobby Hall was beaten to death with a metal blackjack while handcuffed, by Sheriff Claude M. Screws and two other officers. Federal prosecution of Screws (which would have resulted in one year in jail) failed on a point of law. In 1958 Screws was elected to the General Assembly of Georgia.

Terrell County has a long history of brutality against Negroes. In 1958, a Negro named James Brazier was beaten to death by local police under circumstances described in the Commission on Civil Rights' 1961 volume, *Justice*. A local grand jury failed to indict. A year after this incident, Brazier's widow was told by Terrell County's Sheriff Zeke T. Mathews: "I ought to slap your damn brains out. A nigger like you I feel like slapping them out. . . . I'm gonna carry the South's orders out like it oughta be done." Former Mayor James Griggs Raines of Dawson told Commission on Civil Rights investigators: "In my opinion the Sheriff, Mathews, is unfit and has violated the Civil Rights Acts. I've seen him beat a pregnant Negro woman. He's unfit to hold office. You can quote me." Mathews himself has observed to a Washington *Post* reporter: "You know, Cap, . . . there's nothing like fear to keep niggers in line."

Sheriff Mathews is still sheriff of Terrell County; he was the law officer who struck SNCC worker Charles Sherrod when Sherrod was jailed in the December 1961 Albany demonstrations. And he was the one who told his prisoners: "There'll be no damn singin' and no damn prayin' in my jail."

Negroes comprise a majority of the population of Terrell County, but for a Negro to vote has always involved an act of supreme courage. As of 1960, out of a population of 8,209 Negroes, 51 were registered voters, while of 4,533 whites, 2,894 were registered. The first suit filed by the Justice Department under the Civil Rights Act of 1957 was against the Board of Registrars in Terrell County, charging systematic discrimination. This resulted in a 1960 injunc-

tion forbidding discrimination. When this proved ineffective, the stronger Civil Rights Act of 1960 was expected to help. But the most powerful factors operating against Negro registration still exist in Terrell County: the threat of economic reprisals, an atmosphere of intimidation and repression, a history of brutality. These keep the Negro from even entering the registration office where, according to the Civil Rights Act, he is entitled to equal treatment.

In November 1961, just before the first wave of demonstrations in Albany, SNCC workers Charles Sherrod and Cordell Reagan began a campaign to register Negro voters in Terrell County. They stayed at the home of Mrs. Carolyn Daniel, a young Negro woman who operates a beauty parlor in Dawson. Early in January 1962, police cars began prowling around the Daniel home. The following month, Sherrod, visiting another SNCC worker who had been jailed on a traffic violation, was put into jail for "disorderly conduct." In March, Sherrod sent out a news release from the SNCC office in Atlanta criticizing "the slow progress of the U.S. Justice Department in following through on complaints of brutality, intimidation, and harassment aimed at Terrell County Negroes." In April, Sherrod again pointed to intimidation in Terrell County, asking action from the Department of Justice.

At the start of the summer, the tiny SNCC group registering voters in Terrell County was joined by Ralph Allen, a white student from Trinity College, Connecticut. On July 4, he and Joseph Pitts, an Albany student, reported that they were attacked by a white man while talking to Dawson Negroes about voter registration. The man had struck Pitts on the head with a cane and slapped Allen. Complaining to the sheriff, they were referred to Chief of Police W. B. Cherry of Dawson, who was himself involved in the Brazier killing. Cherry referred them to the sheriff. Wanting to swear out a warrant against their assailant to prevent future attacks, they went to the home of Justice of the Peace Daniel English, who ran out and shouted to Pitts: "Get off my porch, nigger." The Atlanta SNCC office again asked the Justice Department to act.

On Saturday, July 21, Ralph Allen was walking down Railroad Street in Dawson when a truck tried to run him down. The driver jumped out and said: "You came here to show our niggers how to vote. I should kill you." Allen put his hands behind his back in the customary SNCC posture of non-violent response. The man hit him on the side of the head. He put his hands behind his back again. The man knocked him to the ground and began kicking him. Two others came along, one putting his foot on Allen's throat, the other kicking him in the side. One drew a knife and said: "Should we kill him now?" They finally let him go. The F.B.I. in Albany was notified of the incident.

The following Wednesday, July 25, a remarkable voter registration meeting took place at the Mount Olive Baptist Church in Sasser,

a rural hamlet on the road between Albany and Dawson, in Terrell County. The meeting was reported vividly to the nation by Claude Sitton of the New York *Times*, Pat Watters of the Atlanta *Journal*, and Bill Shipp of the Atlanta *Constitution*. The 40 persons at the meeting consisted mostly of Negroes from the area. Also attending were SNCC workers Charles Sherrod, Charles Jones, Ralph Allen, and Penelope Patch, a 19-year-old Swarthmore college student. As Sherrod was reading from the scriptures, 13 white men, led by Sheriff Mathews and including the sheriff of nearby Sumter County, entered the church. Sheriff Mathews began questioning people, took names, warned Allen to leave the county, told the group it would not be to their interest to continue the meeting, and said to reporters: "We are a little fed up with this voter registration business . . . we want our colored people to live like they've been living for the last hundred years—peaceful and happy." When the meeting was over, a deputy sheriff said to one Negro leaving the church: "I know you. We're going to get some of you." Before going to the Sasser meeting, one of the newsmen had invited the F.B.I. along, but the invitation was declined.

On Sunday, July 29, Ralph Allen and Charles Sherrod were arrested by Sheriff Zeke Mathews while accompanying Negroes to the voter registration office. They spent five days in jail before being released on bond. When Allen asked what was the charge against them he was told: "Investigation, vagrancy, and all that crap." Reporter Bill Shipp of the Atlanta *Constitution* wrote: "Terrell County Sheriff Zeke T. Mathews refused to let reporters see the warrant on which Sherrod and Allen were arrested. He also refused to show them the docket where the cases had been booked."

Perhaps spurred by the July 25 incident at Sasser, the Justice Department, on August 13, asked the U.S. District Court to prohibit law enforcement officials from intimidating prospective voters in Terrell County and to halt prosecution of Sherrod and Allen for their recent arrest. Judge Elliott refused to grant an immediate temporary injunction, saying there was no evidence of immediate danger to the civil rights of those involved.

Two days later, a church used as a voter registration center in neighboring Lee County burned to the ground*. Two weeks later, the homes of four Negro families active in voter registration were riddled by bullets, which narrowly missed taking the lives of sleeping children. On September 5, a SNCC registration worker was wounded by a shotgun blast in Dawson. And on Sunday, September 9, the same Mount Olive Church in Sasser which had been the scene of Sheriff Mathews' invasion in July was burned to the ground. As of the writing of this report, Judge Elliott has still not issued an injunction.

*On October 3, the F.B.I. arrested two men, charged with setting the fire.

Where Was the Federal Government?

Over 700 Negroes in Albany, and a few sympathetic whites, spent time in prison in December of 1961, as a mass substitute for federal action to compel recognition of a legal right.

OF all the forces involved in Albany, the national government is the only one whose actions do not match its expressed convictions. The Negroes of Albany have strained to the limits of their capacity to endure pain and rebuff. The white community has behaved in accord with the customs of the majority of southern whites in resisting attempts to change the status quo. The chief of police has acted like a chief of police. But the federal government has not operated according to its pretensions.

The national government has failed to protect the liberties of its citizens in the city of Albany. From the feebleness of its actions, a detached observer might conclude that the federal government is still operating under the Constitution of the United States as once expounded by Chief Justice Taft.

The First Amendment of the constitution of the United States says: "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." Supreme Court decisions in the early part of this century made it clear beyond question that these rights of free speech, petition, and assembly, are also guaranteed against state or local action by the words of the Fourteenth Amendment, that no state shall "deprive any person of life, liberty, or property, with due process of law." In Albany, hundreds of Negroes were locked up in some of the most miserable jails in the country for peacefully attempting to petition the government for a redress of grievances. Is the national government powerless to protect the right of petition?

Section 242 of the U.S. Criminal Code, which comes from the Civil Rights Act of 1866 and the Enforcement Act of 1870, creates a legal basis for federal prosecution of: "Whoever, under color of any law . . . wilfully subjects . . . any inhabitant of any State . . . to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States. . . ." Three times in succession in November and December 1961, the

police of the city of Albany, by arresting Negroes and whites in connection with their use of the terminal facilities in that city, violated a right which has been made clear beyond a shadow of a doubt in the courts, and nailed down tight by a ruling of the Interstate Commerce Commission. Yet, the federal government took no action.

When a sheriff, in the presence of witnesses, slapped a young Negro for asking the right to sing and pray in prison, the federal government was silent. Throughout the December troubles, there were phone calls from the Justice Department to Governor Vandiver and Mayor Kelley, conversations between the Department and leaders of the Albany Movement. The F.B.I. dutifully sat in its office in Albany and took dozens upon dozens of affidavits from Negro citizens complaining that their constitutional rights had been violated by city and county officials. But eight months later, there was not a sign of action on these charges.

In the spring and summer of 1962, hundreds of Negroes, and some whites, were again deprived of their constitutional rights by city and county officials. They were put into jail again and again for taking actions supposedly protected by the First and Fourteenth Amendments. A pregnant woman was beaten, a lawyer was caned, a white youth had his jaw and ribs broken, three young people were forcibly dragged from a courtroom under the eyes of a county judge. Still no action. Eighteen-year-old Cordell Reagan, a veteran SNCC worker, emerged from Dougherty County jail in late August, after 16 days of confinement for "contributing to the delinquency of a minor" (which, translated, meant that Reagan had been sitting on the fender of a nearby car while two students were picketing a theater) made this comment to me about the Department of Justice and local police: "They're letting them get away with murder."

In December 1961, in the midst of hundreds of jailings in the Albany demonstrations, the New York *Times* reported from Albany: "The Justice Department was watching developments here closely." In September 1962, after shotgun blasts ripped into a home in Terrell County where Negro and white registration workers were staying, a Justice Department spokesman said in Washington: "We are watching the situation very, very closely."

In June 1962, six months after several flagrant violations of the ICC ruling, the Atlanta *Journal's* Washington correspondent reported: "The U.S. Justice Department has launched an investigation of alleged bus station segregation in Albany." In July, several Justice Department lawyers were sent to Albany. On the 26th of that month, according to an Atlanta *Constitution* report, Albany's Mayor Kelley conferred in Washington with Attorney General Kennedy. The *Constitution* said: "Kelley said he told Kennedy that Albany's racial problems are dealt with by local people. Kelley said Kennedy agreed with him."

Atlanta *Journal* Washington correspondent Douglas Kiker reported in July: "Justice Department officials described the Albany trouble Monday as 'a tense situation' but added that Mayor Asa Kelley and Chief of Police Laurie Pritchett 'have certainly indicated a strong desire to maintain order.' They said they had received no evidence that Albany police are not furnishing adequate law protection." This was immediately after attorney C. B. King, with more than 100 city and county police nearby, had received his bloody beating at the hands of the Dougherty County sheriff. Kiker disclosed that the Department of Justice was "investigating" the beating of King. But if there was ever a case where one hour of investigation would be sufficient to establish grounds for federal action, this was it.

Near the end of the summer, after receiving dozens of angry telegrams, after the picketing of the White House by citizens from both North and South, and after face-to-face pleas from Roy Wilkins of the NAACP and William Kunstler of the American Civil Liberties Union, the Justice Department made two legal moves: 1) it entered a friend-of-the-court brief to support the Albany Movement's request that an injunction against further demonstrations be denied; and 2) it asked for an injunction (after a violation of voting rights in Terrell County so outrageous that usually calm reporters on the scene were upset) to prevent certain officials in southeast Georgia from interfering with registration activities.

The available administrative machinery for enforcing federal law should be outlined: the Department of Justice has the duty to enforce laws passed by Congress and provisions of the U.S. Constitution. In the Department there is a Civil Rights Division, headed by an Assistant Attorney General, which handles the bulk of the legal work of the Department dealing with civil rights cases. The Division depends for its information on another branch of the Justice Department, the Federal Bureau of Investigation, which has offices in cities all over the country. F.B.I. agents undertake investigations on orders from the Department, to determine if federal law has been violated. The F.B.I. can make arrests, usually on orders from the Department, sometimes on its own in situations of urgency. After investigation, in civil rights cases, it is up to the Civil Rights Division to decide whether prosecution should be initiated. If so, this is usually done through the United States Attorney in that judicial district, who prosecutes the case in federal District Court, after indictment by a grand jury or the filing of an information. Also upon the Department's advice or order, the U.S. Attorney may file civil suits (although this may be done by a Civil Rights Division lawyer from Washington) asking that the federal court issue injunctions forbidding certain parties to engage in specified practices which may deprive individuals of their rights under the Constitution. Attached to the federal district court are U.S. marshals, who serve subpoenas, give notice of injunctive action, and otherwise carry out the orders of the court or the Attorney General. From District Court, there is

the right of appeal to the Court of Appeals, and then, in certain cases, to the United States Supreme Court.

The Department of Justice has on occasion defended its restraint in the Albany situation and in other crises by the following arguments, which deserve examination and reply:

1. Argument: Prosecutions in the Deep South stand little chance of succeeding, since juries are white and prejudiced.

   Reply: Even if acquittal results, prosecution may act as a deterrent. Right now, southern police officers, knowing the government's reluctance to prosecute, feel free to do as they wish with Negro citizens, and Albany has demonstrated this. If nothing else, a series of prosecutions would exert a powerful educational and moral force in a situation where Negroes feel deserted by the national government and southern whites are not clear where the government stands.

2. Argument: The Supreme Court decision in the *Screws* case of 1945 interpreted section 242 in such a way as to make convictions difficult, because of the need to show "intent" on the part of the accused, with "intent" interpreted very narrowly.

   Reply: The only way to get new interpretations of the law is to bring new cases before the courts.

3. Argument: The Department of Justice needs specific legislative authorization from Congress—as it has in the Civil Rights Acts of 1957 and 1960 regarding voting—to take injunctive action against local officials in other situations involving civil rights and civil liberties.

   Reply: In the *Debs* case of 1895 there was no specific legislative basis for an injunction; yet the Supreme Court ruled that the federal government could get one, saying: "Every government . . . has a right to apply to its own courts" in matters which the constitution has entrusted to the care of the national government. The Court said: "The entire strength of the nation may be used to enforce in any part of the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care."

   The government may choose to interpret its own powers narrowly, or it may interpret

them broadly. The degree of its compassion may dictate the choice. When you combine the present reluctance of the Department of Justice with the unhesitant exercise of power by local police, the result is to blind the First and Fourteenth Amendments with the first flash of a police officer's badge.

Moreover, Albany has implications for American freedom beyond the question of equal rights for Negroes. Can American citizens, anywhere in the land, have freedom of speech and assembly in the face of a determined police force and an uncertain national government?

4. Argument: Our federal arrangement requires that the national government should interfere as little as possible with "local" situations.

   Reply: It was precisely the purpose of the Fourteenth Amendment to take the enforcement of racial equality out of the hands of local governments, which had proved the most flagrant violators, and put ultimate authority in the hands of the national government. Local governments may do anything they want in the field of ordinary crime. They may punish people for disorderly conduct, for blocking sidewalks, for disobeying police officers. But the moment such offenses are applied to one race in a way that they are not applied to another, the Fourteenth Amendment is violated, and the federal government, with all the power at its command, has proper constitutional jurisdiction. To take the view that the arrests of Negro citizens, for reasons obviously connected with their race, are purely "local" matters, is to take a pre-Civil War view of the American federal system.

5. Argument: There is no need for federal interference so long as large-scale violence does not break out, so long as local police maintain order.

   Reply: If the government's only requirement is the maintenance of "order," even without the existence of freedom, then we have moved close to the ideology of the totalitarian state.

Something needs to be said about the role of the Federal Bureau of Investigation, and then about the influence of the President of the United States.

There is a considerable amount of distrust among Albany Negroes for local members of the Federal Bureau of Investigation. "They're a bunch of racists," a young Negro told me bitterly. Whether true or not, this is the feeling of many Negroes who have had contact with the F.B.I., and, even if distorted, it is a general reflection of the efficacy of the F.B.I.'s role in the area of civil rights. F.B.I. men appear to Albany Negroes as vaguely-interested observers of injustice, who diffidently write down complaints and do no more. With all the clear violations by local police of constitutional rights, with undisputed evidence of beatings by sheriffs and deputy sheriffs, the F.B.I. has not made a single arrest on behalf of Negro citizens. The one arrest made by the F.B.I. in connection with the Albany situation came in early September, and this when an F.B.I. man himself was attacked by a white man near the site of a burned church.

In its 1961 volume, *Justice*, the Commission on Civil Rights implied that the F.B.I. may be fundamentally incapable of enforcing the civil rights of American citizens. This is because of its natural attachments to local police on whom it is dependent for the solution of ordinary crimes, and because it is these same local police who are the most frequent violators of the rights of Negroes in the South. The Commission suggested the possibility of "a new administrative arrangement within the Department of Justice to ease the problem of F.B.I. agents having to investigate police officers with whom they work daily on other cases."

One solution might be the creation of a special corps of federal agents—similar to the T-men used by the Treasury Department—for the sole purpose of enforcing federally guaranteed constitutional rights in many parts of the country where they are consistently violated. Such agents need not be "outsiders," for there is a whole new generation of young Southerners—Negro and white—who are intelligent, courageous, capable, and genuinely concerned about civil rights, and from whom such agents could be selected. The F.B.I. is most effective as an agency for the solution of ordinary crimes, and perhaps it should stick to that.

As for the President of the United States, he could play, but so far has not played, a key role in crises such as Albany. The Commission on Civil Rights last year called for "the exertion of leadership by the President and others in the National Government. . . . These recommendations are based on the belief that the Presidency, and indeed the whole Federal establishment, is preeminently a place for moral leadership. The Commission has been impressed with the influence which those in responsible positions can exert on the civil rights climate of the Nation. By using the instruments for education and persuasion which are available to them they can stir the conscience of the country."

President Kennedy's first substantive public statement came after eight months of trouble in Albany when, responding to a question

at his August 1, 1961, press conference, he called the situation "unsatisfactory," declared he could not understand why Albany city officials would not negotiate with Negroes, and said: "We are going to attempt as we have in the past to try to provide a satisfactory solution for the protection of the constitutional rights of the people of Albany, and we will continue to do so." The trouble with this latter statement was that "in the past" the national government had done extremely little, and if its future attempts were to be of the same magnitude, this was a puny promise indeed.

In another press conference on Thursday, September 14, 1962, again in response to a question, President Kennedy strongly denounced the burning of the Negro churches in Lee and Terrell Counties, calling the actions "cowardly as well as outrageous." This was commendable. But it also indicates the level of tolerance at which our national leaders—and perhaps most white Americans—operate. They will be aroused by open violence, particularly against places of worship (Governor Vandiver of Georgia, hardly a friend of the Albany Movement, offered a $250 reward for the apprehension of the arsonists). But they will not be made sufficiently indignant by mass jailings, by the deprivation of free speech and assembly, by beatings and intimidation, by the perpetuation of segregation. The nation as a whole—not only the President—needs to expand its capacity for outrage.

Only once in the Albany troubles did the national administration show a real burst of energy; that was when Martin Luther King, Jr. was jailed on July 10. The President asked for a report, the Attorney General got busy, the Assistant Attorney General in charge of civil rights made phone calls, and the next day King was out of jail. But there was no such deep concern for the hundreds of ordinary citizens in Albany who went to jail about the same time for basically the same reason. Special favors to distinguished individuals are too easy a substitute for genuine assistance to troubled groups. Jackie Robinson, who last summer received elaborate greetings from the President on the occasion of his election to the Baseball Hall of Fame, noted the Albany situation and wrote: "I'd rather have freedom than flowers."

The President's general silence, (except for the two instances noted above) and the feebleness with which the Justice Department has acted are often attributed to the practical realities of national politics, which require, it is said, that the President woo the support of Southerners in Congress for other laudable national goals. But there are some means so morally hurtful that they corrupt the ends. Besides, there is serious reason to doubt that the Administration gains substantial advantage from such tactics. The Senators from the state of Georgia had an opportunity, in 1961, to vote on 12 key issues important to the Administration: they both voted with the Administration in only two of the 12 instances, and these were farm bills that they probably would have supported in any event. In a

third case, on the housing bill, Talmadge supported the President and Russell did not.

Finally, it can be argued that the President's concern for civil rights *and* his concern for political advantage are both demonstrated by his choice of federal judges, knowing clearly that those appointed in the South will have tremendous authority over the progress of race relations, and will have it for many years. Certain judicial appointments of this Administration have appalled Southern liberals.

The federal government, *if it wants to,* can take the following actions in Albany:

1. Begin immediate prosecution under Section 242 of local officials who have deprived Negroes of their constitutional rights in the Albany area. Such trials, since they involve misdemeanors, do not even require grand jury indictments, but may be initiated on the presentation of an information by the Department of Justice, and the Commission on Civil Rights has urged this procedure "in appropriate cases." The F.B.I. has in its hands piles of affidavits from Albany citizens—accumulated over a period of nine months—testifying to violations of federal law; but the Justice Department has not acted.

2. Station in the area a substantial number of federal agents to protect citizens from intimidation, beating, and false arrest. Such agents should not confine themselves to standing by and taking notes, which the F.B.I. has been doing on occasion in the Deep South in the midst of scenes of brutality, but should have the authority to make arrests on the spot.

3. Go into federal court and ask for injunctions to prevent local officials from a) enforcing segregation statutes, and b) interfering with peaceful assembly, picketing and speech. Violations of such injunctions would then be subject to judicial punishment without trial. Both such legal actions have been initiated by the Albany Movement, but they could have been started by the federal government last December, and should now be backed by it. The government, after prodding, did enter a friend-of-the-court brief in a defensive action against the city's attempt to make demonstrations punishable, but has not taken any steps to make peaceful assembly a positive right.

4. The President should address himself directly to the people of Albany, white and Negro, speaking forthrightly about racial discrimination, making it plain to Albany whites that they are entitled to express their views and hold their private beliefs, but that public law now entitles Negroes to equal use of all public facilities, and that the entire power of the federal government will stand behind this. The Southern Regional Council, in its report *The Federal Executive and Civil Rights,* said: "The South should be informed where the President stands. . . . The millions of Southerners, white and Negro, who want to break loose from enfeebling customs, would respond with gratitude to Presidential leadership."

5. There is a procedure outlined in the U.S. Attorney's Manual, Title 10, Civil Rights Division, which says that where there is insufficient evidence for federal prosecution but "repetitive civil rights violations" exist, the U.S. Attorney may initiate a mediative conference "with responsible local officials." The manual says: "Situations in which such a conference may be useful include those involving enforced racial segregation and illegal police practices. . . ." It says further: "Such a conference should serve the purpose of putting the officials on notice regarding the applicable federal laws and giving them an opportunity to remedy the situation. . . ." It would be difficult indeed to think of a situation more badly in need of such a procedure than Albany this past year, but there is no indication that the Department of Justice has used it, choosing instead to rely on informal —and ineffectual—efforts at mediation.

6. The President should refuse to appoint segregationist federal judges. Judgeships left vacant are preferable to those filled for life by men who, on their public record, are opponents of racial equality.

7. The Commission on Civil Rights might well investigate the Albany situation and make appropriate recommendations. There are a hundred potential Albanys in the Deep South.

These proposed actions require boldness, imagination, vigorous initiative—precisely those qualities that were promised by Mr. Kennedy in his campaign for the Presidency. As yet, however, no New Frontiers have been carved out in the social wilderness which surrounds Albany. They will probably be established, as elsewhere in the Deep South, by determined Negroes and farsighted whites, compelled by court rulings and smoothed by compromises, but with that intermittent conflict, and suffering, which accompany progress. What the government can do is help ease the pain.

Postscript

This report, based on time spent in Albany during the crises of December 1961 and the summer of 1962, owes a great deal to the excellent reporting of newspapermen, particularly: Claude Sitton of the New York *Times;* Pat Watters of the Atlanta *Journal;* Walter Rugaber of the Atlanta *Journal;* Fred Powledge of the Atlanta *Journal;* and Bill Shipp of the Atlanta *Constitution.* It owes much also to the many people, white and Negro, who spoke to me in Albany.

Perhaps there is a quality of harshness in the report. If so, it may come from some of the things I heard and saw in the Albany area. I recall particularly driving from dirt road onto dirt road deep into the cotton and peanut land of Lee County to talk to James Mays, a teacher and farmer. He showed me the damage done by 30 bullets which, hours before, in the middle of the night, had been fired through doors and windows and crashed into the walls around the heads of 19 sleeping persons, most of them children. With the coming of dawn he had quickly lettered a sign of protest and stood with it out on the main road to Leesburg in front of a Negro school. It was clear that, although he was a member of a nation whose power stretched around the globe and into space, James Mays was on his own.